

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DONNA J. FORSYTH, et al.,  
Plaintiffs,  
v.  
HP INC., et al.,  
Defendants.

Case No. [5:16-cv-04775-EJD](#)

**ORDER RE: PLAINTIFFS' MOTION  
FOR RECONSIDERATION**

Re: Dkt. No. 136

On September 20, 2017, this Court granted Defendants' motions to compel arbitration<sup>1</sup> and administratively closed this case. Dkt. No. 132.

Plaintiffs have moved for reconsideration of this Court's order compelling arbitration. Dkt. No. 136. They explain that some Plaintiffs, but not all of them, signed Release Agreements containing arbitration provisions. Id. at 1. Plaintiffs argue that this case should not be stayed with respect to claims by Plaintiffs whose claims are not subject to arbitration. Id. at 3–5.

In response, Defendants argue that the Court properly exercised its discretion to stay the entire case pending the outcome of arbitration proceedings. Dkt. No. 140.

---

<sup>1</sup> Defendants filed eleven separate motions to compel arbitration. The Court decided those motions in a single order. See Dkt. No. 132 at 2 n.2.

1 The Court requests further briefing on whether this case should nonetheless be stayed with  
2 respect to claims by Plaintiffs who did not sign Release Agreements. Defendants may address this  
3 issue in a motion to stay, not to exceed ten pages, to be filed by December 22, 2017. Plaintiffs may  
4 file an opposition brief, not to exceed ten pages, by January 5, 2018. Defendants may file a reply  
5 brief, not to exceed five pages, by January 12, 2018. Defendants shall notice their motion for  
6 hearing on February 8, 2018.

7 If Defendants do not file a motion to stay by December 22, 2017, this case will be  
8 reopened and the stay vacated as to claims by Plaintiffs who did not sign Release Agreements.

9  
10 **IT IS SO ORDERED.**

11 Dated: December 6, 2017

12 

13 EDWARD J. DAVILA  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27